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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  CALVIN MALONE et al.,

12                  Plaintiffs,

13                  v.

14                  MARK STRONG,

15                  Defendant.

16                  CASE NO. 3:16-CV-05284-RBL-DWC

17                  ORDER ADOPTING REPORT AND  
18                  RECOMMENDATION

19         The Court, having reviewed the Report and Recommendation of Magistrate Judge David  
20         W. Christel, objections to the Report and Recommendation, if any, and the remaining record,  
21         does hereby find and **ORDER**:

22         (1)       The Court adopts the Report and Recommendation.

23         (2)       Plaintiffs request for class action certification (Dkt. 28) is denied without  
24                  prejudice.

25         (3)       The claims of Plaintiffs Mitchell, Fox, Schoonover, Robinson, Brooks, Cantley,  
26                  Parsons, Townsend, Geier, Jones, Hancock, Nelson, Rafford, Cole, Mathis, Jaeger,  
27                  Brennan, Hopkins, Dumas, Pouncy, Jackson, McCollum, Azeem, Toomey, Coleman, and  
28                  Turner are dismissed from Case No. 3:16-cv-05284 without prejudice.

29         (4)       The Clerk is directed to open a case for each of the following Plaintiffs: Mitchell,  
30                  Fox, Schoonover, Robinson, Brooks, Cantley, Parsons, Townsend, Geier, Jones,

1 Hancock, Nelson, Rafford, Cole, Mathis, Jaeger, Brennan, Hopkins, Dumas, Pouncy,  
2 Jackson, McCollum, Azeem, Toomey, Coleman, and Turner (Dkts. 2-27).

3 (5) The Clerk is directed to docket each Plaintiff's pending Application to Proceed IFP in  
4 each new case (Dkts. 2-27).

5 (6) The Clerk is directed to docket the Proposed Complaint (Dkt. 28) as the proposed  
6 complaint in each new case.

7 (7) The Clerk is directed to assign each new case to District Judge Leighton and referred  
8 to Magistrate Judge Christel.

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10 Dated this 23<sup>rd</sup> day of June, 2016.  
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14 Ronald B. Leighton (as auth/dn)  
15 United States District Judge  
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